

amendments and the following remarks. The amendments presented above contain no new matter and raise no new issues.

The Examiner rejects claims 1-9, 12, 15-20, 23, and 26-31 under 35 U.S.C. §102(b) as being anticipated by the Defense Systems Daily (“DSD”) reference. The Examiner states that a supporting article entitled Defence Procurement Agency (“DPA”) provides pictorial support for the three rail launcher disclosed in DSD.

The references cited by the Examiner, however, do not disclose, teach or suggest monolithic platform for the missile rails. Instead, the support structure for each rail is separate.

In contrast, the applicants’ amended claim 1 recites a launcher platform comprising a monolithic platform support structure and a plurality of rails mounted on the monolithic support structure for supporting missiles thereon, each adjacent rail elevated above the other rails to accommodate additional missiles and different type missiles while maintaining a low center of gravity.

Accordingly, the references do not anticipate, teach, or suggest applicants’ invention of claim 1.

Similarly, the applicants’ amended independent claims 16, 27 and 30 also recite a monolithic platform which distinguishes these independent claims from the cited references. The remainder of the claims 2-8, 10-15, 17-19, 25-29 and 31 all depend from one of the independent claims. Accordingly, claims 1-8, 10-19, and 21-31 are in condition for allowance. Claims 9 and 20 have been cancelled.

The Examiner also rejects claims 13, 14, 24, and 25 under 35 U.S.C. §103(a) as being unpatentable over the DSD and DPA articles referenced, stating that the selection of aluminum or a composite as the material of choice is well within the knowledge of one with ordinary skill

in the art and amounts to an obvious engineering decision. However, claims 14 and 15 ultimately depend from claim 1 and claims 24 and 25 ultimately depend from claim 16. Accordingly, claims 13, 14, 24, and 25 are also in condition for allowance.

Additionally, in contrast to the applicants' claim 2, the cited references do not teach six rails total, three on each side of the support structure and the intermediate rails on each side elevated above the other rails. To further advance prosecution the applicants have added claim 36 which is clearly allowable.

Moreover, in contrast to the applicants' claim 3, the cited references do not disclose or teach a launcher platform in which there are N total rails where N is an even number, $N/2$ rails on each side of the support structure, and the minority of rails are elevated. Also to further advance prosecution, the applicants have added a claim 37 which is clearly allowable.

Applicants' new claim 38 recites a launcher platform comprising a support structure configured to be mounted on an HMMWV vehicle, a plurality of rails mounted on the support structure for supporting missiles thereon, each adjacent rail elevated above the other rails to accommodate other missiles and different type missiles while maintaining a low center of gravity. New claim 38 addresses the fact that the dated references cited do not disclose or teach a launcher platform configured to be mounted on an HMMWV. New claim 39 recites a monolithic platform support structure and a plurality of rails disposed on the monolithic platform support structure to support missiles thereon having at least one rail elevated above the other rails, in contrast to the cited references.

The applicants acknowledge and appreciate the Examiner's indication that claims 10, 11, 21, and 22 would be allowable if rewritten in independent form, and the applicant has taken steps to comply with the Examiner's indication of allowability by adding new claim 32 and

new claim 33 (which depends from claim 32), new claim 34, and new claim 35 (which depends from claim 34).

CONCLUSION

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that claims 1-8, 10-19, and 21-31, as well as new claims 32-39, are in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts at (781) 890-5678.

Respectfully submitted,



Thomas E. Thompkins, Jr.
Reg. No. 47,136